

AMENDED IN ASSEMBLY AUGUST 21, 2006

AMENDED IN ASSEMBLY JULY 13, 2005

AMENDED IN SENATE MAY 27, 2005

AMENDED IN SENATE APRIL 18, 2005

SENATE BILL

No. 56

Introduced by Senator Dunn

(Principal coauthor: Senator Ducheny)

(Principal coauthor: Assembly Member Jones)

(Coauthors: Assembly Members Benoit, Bermudez, ~~and Bogh Bogh~~,
and Emmerson)

January 12, 2005

An act to add ~~Sections 69613, 69614, and 69615~~ *Section 69614* to the Government Code, relating to trial courts.

LEGISLATIVE COUNSEL'S DIGEST

SB 56, as amended, Dunn. Trial courts: judgeships.

Existing law specifies the number of judges of the superior court for each county.

This bill would authorize ~~an unspecified number of 25 additional judges of the superior court to be appointed by the Governor in the 2005-06, 2006-07, and 2007-08 fiscal years to be allocated~~, upon appropriation by the Legislature *in the 2006-07 fiscal year*, to the various county superior courts, ~~allocated pursuant to a specified method administered uniform criteria approved by the Judicial Council. The bill would require the Judicial Council to adopt, and report biannually to the Legislature annually upon, judicial administration standards and measures that promote the fair and efficient administration of justice, as specified. The bill would also~~

~~authorize an unspecified number of subordinate judicial officer positions in eligible superior courts, as determined by the Judicial Council, to be converted to judgeships, according to specified criteria and upon appropriation by the Legislature. The bill would define the term “subordinate judicial officer” for purposes of those provisions and would declare the Legislature’s intent to restore an appropriate balance between subordinate judicial officers and judges in enacting those provisions and the Governor on the factually determined need for new judgeships in each superior court, as specified.~~

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: no.

The people of the State of California do enact as follows:

1 *SECTION 1. Section 69614 is added to the Government*
2 *Code, to read:*
3 *69614. (a) Upon appropriation by the Legislature in the*
4 *2006–07 fiscal year, there shall be 25 additional judges*
5 *allocated to the various county superior courts pursuant to the*
6 *uniform criteria described in subdivision (b) for determining the*
7 *need for additional superior court judges.*
8 *(b) The judges shall be allocated, in accordance with the*
9 *uniform standards for factually determining additional judicial*
10 *need in each county, as approved by the Judicial Council in*
11 *August, 2001, and as modified and approved by the Judicial*
12 *Council in August, 2004, pursuant to the Update of Judicial*
13 *Needs Study, based on the following criteria:*
14 *(1) Court filings data averaged over a period of three years.*
15 *(2) Workload standards that represent the average amount of*
16 *time of bench and nonbench work required to resolve each case*
17 *type.*
18 *(3) A ranking methodology that provides consideration for*
19 *courts that have the greatest need relative to their current*
20 *complement of judicial officers.*
21 *(c) The Judicial Council shall report to the Legislature and the*
22 *Governor on or before November 1 of every even-numbered year*
23 *on the factually determined need for new judgeships in each*
24 *superior court using the uniform criteria for allocation of*
25 *judgeships described in subdivision (b), as updated and applied*
26 *to the average of the prior three calendar years’ filings. This*

1 *report shall include an analysis of the extent to which the*
2 *allocation of new judgeships in the prior two-year period has*
3 *affected the administration of justice, access to the courts, and*
4 *the efficient use of judicial resources.*

5 ~~SECTION 1. Section 69613 is added to the Government~~
6 ~~Code, to read:~~

7 ~~69613. (a) Additional judges in the county superior courts~~
8 ~~authorized pursuant to Sections 69614 and 69615 shall be~~
9 ~~allocated among counties by a method administered by the~~
10 ~~Judicial Council that is based on the following criteria:~~

11 ~~(1) Court filings data averaged over a period of three years.~~

12 ~~(2) Workload standards that represent the average amount of~~
13 ~~time of bench and nonbench work required to resolve each case~~
14 ~~type.~~

15 ~~(3) A ranking methodology that provides consideration for~~
16 ~~courts that have the greatest need relative to their current~~
17 ~~complement of judicial officers.~~

18 ~~(b) On or before January 1, 2007, the Judicial Council shall~~
19 ~~adopt, and shall report to the Legislature annually thereafter~~
20 ~~upon, judicial administration standards and measures that~~
21 ~~promote the fair and efficient administration of justice, including,~~
22 ~~but not limited to, the following subjects:~~

23 ~~(1) Providing equal access to courts and respectful treatment~~
24 ~~for all court participants.~~

25 ~~(2) Case processing, including the efficient use of judicial~~
26 ~~resources.~~

27 ~~(3) General court administration.~~

28 ~~SEC. 2. Section 69614 is added to the Government Code, to~~
29 ~~read:~~

30 ~~69614. (a) Upon appropriation by the Legislature in the~~
31 ~~2005-06 fiscal year, there shall be _____ additional judges of the~~
32 ~~superior court for appointment by the Governor pursuant to the~~
33 ~~criteria set forth in subdivision (a) of Section 69613.~~

34 ~~(b) Upon appropriation by the Legislature in the 2006-07~~
35 ~~fiscal year, there shall be _____ additional judges of the superior~~
36 ~~court for appointment by the Governor pursuant to the criteria set~~
37 ~~forth in subdivision (a) of Section 69613.~~

38 ~~(c) Upon appropriation by the Legislature in the 2007-08 fiscal~~
39 ~~year, there shall be _____ additional judges of the superior court~~

1 for appointment by the Governor pursuant to the criteria set forth
2 in subdivision (a) of Section 69613.

3 SEC. 3. ~~Section 69615 is added to the Government Code, to~~
4 ~~read:~~

5 69615. (a) ~~It is the intent of the Legislature in enacting this~~
6 ~~section to restore an appropriate balance between subordinate~~
7 ~~judicial officers and judges in the trial courts by providing for the~~
8 ~~conversion, as needed, of subordinate judicial officer positions to~~
9 ~~judgeships in courts that assign subordinate judicial officers to~~
10 ~~act as temporary judges. The Legislature finds that these~~
11 ~~positions must be converted to judgeships in order to ensure that~~
12 ~~critical case types, including family, probate, and juvenile law~~
13 ~~matters can be heard by judges.~~

14 (b) (1) ~~Upon appropriation by the Legislature, no more than~~
15 ~~_____ subordinate judicial officer positions in eligible superior~~
16 ~~courts, as determined by the Judicial Council pursuant to uniform~~
17 ~~criteria for determining the need for converting existing~~
18 ~~subordinate judicial officer positions to superior court~~
19 ~~judgeships, shall be converted to judgeships as set forth in~~
20 ~~paragraph (2):~~

21 (2) ~~A subordinate judicial officer position shall be converted~~
22 ~~to a judicial position when a vacancy occurs in any subordinate~~
23 ~~judicial officer position in an eligible superior court and the~~
24 ~~Judicial Council files notice of the vacancy with the Secretary of~~
25 ~~State.~~

26 (3) ~~The provisions of Section 12011.5 of the Government~~
27 ~~Code shall apply to any appointment to a superior court~~
28 ~~judgeship converted from a subordinate judicial officer position.~~

29 (e) ~~For purposes of this section, “subordinate judicial officer”~~
30 ~~means an officer appointed under the authority of Section 22 of~~
31 ~~Article VI of the California Constitution. This section shall not~~
32 ~~apply to a subordinate judicial officer established by Section~~
33 ~~4251 of the Family Code.~~

34 (d) ~~It is the intent of the Legislature that no subordinate~~
35 ~~judicial officer shall involuntarily lose his or her position solely~~
36 ~~due to operation of this section. This section does not change the~~
37 ~~employment relationship between subordinate judicial officers~~
38 ~~and the trial courts established by law.~~

1 ~~(e) This section does not limit the authority of the Governor to~~
2 ~~appoint a person to fill a vacancy pursuant to subdivision (c) of~~
3 ~~Section 16 of Article VI of the California Constitution.~~

4 ~~(f) This section does not entitle a court to an increase in~~
5 ~~funding.~~

6 ~~(g) The operation of this section shall neither increase nor~~
7 ~~decrease the number of judicial and subordinate judicial officer~~
8 ~~positions and court support positions for which a county is~~
9 ~~responsible by law.~~

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